



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION IV  
1600 EAST LAMAR BLVD  
ARLINGTON, TEXAS 76011-4511

June 10, 2013

EA-12-275

Jeremy Browning, Site Vice President  
Arkansas Nuclear One  
Entergy Operations, Inc.  
1448 SR 333  
Russellville, AR 72802-0967

**SUBJECT:** ARKANSAS NUCLEAR ONE - NOTICE OF VIOLATION, NRC EMERGENCY PREPAREDNESS INSPECTION REPORTS 05000313/2013504 AND 05000368/2013504, AND NRC INVESTIGATION REPORT 4-2012-024

Dear Mr. Browning:

This letter refers to an investigation conducted April 4 through December 14, 2012, at the Arkansas Nuclear One facility, by the NRC's Office of Investigations, Region IV. The purpose of the investigation was to determine whether a senior emergency planner, formerly employed at Arkansas Nuclear One, falsified documents related to miscellaneous drills and surveillances required by the facility emergency plan. The results of the investigation, including the identification of an apparent violation, were documented in our letter and inspection reports dated March 11, 2013.

In the letter transmitting the inspection reports and a summary of the investigation report, we provided you with the opportunity to address the apparent violation identified in the report by either attending a predecisional enforcement conference, providing a written response, or requesting alternative dispute resolution before we made our final enforcement decision. In a letter dated April 10, 2013, you provided a response to the apparent violation. You did not contest the apparent violation. You provided details of Arkansas Nuclear One's review of the matter and its corrective actions.

Based on the information developed during the investigation and the information that you provided in your response dated April 10, 2013, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the March 11, 2013, reports.

The violation involves the deliberate falsification of documents regarding the performance of Emergency Preparedness drills and communication surveillances by a senior emergency planner formerly employed by Arkansas Nuclear One. It should be noted that although the individual was a senior emergency planner, the individual did not have supervisory duties. The senior emergency planner documented that the drills and surveillances were completed when in fact they had not been performed. These actions caused Arkansas Nuclear One to be in violation of 10 CFR 50.9(a), which requires, in part, that information provided to the Commission

by the licensee, or information required by the Commission's regulations to be maintained by the licensee, shall be complete and accurate in all material respects. The documentation of drills and surveillances is material to the NRC because it provides assurance that the licensee has performed periodic drills to develop and maintain key skills and provides assurance that adequate emergency facilities and equipment to support emergency response are maintained.

Although the violation did not result in an actual consequence, the failure to provide accurate and complete information is of serious concern to the NRC. The NRC's regulatory program is based on licensees and their employees acting with integrity and communicating with candor. The NRC cannot tolerate willful violations. Although the actions were taken by an individual, the NRC generally holds licensees accountable for the actions of their employees. Given the significance of the underlying issues and the deliberate nature of the senior emergency planner's actions, this violation is categorized in accordance with the NRC Enforcement Policy as a Severity Level III violation.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$70,000 is considered for a Severity Level III violation. Because the violation was willful, the NRC considered whether credit was warranted for *Identification* and *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. The NRC determined that credit was warranted for *Identification* as the violation was identified by the licensee.

Your corrective actions included, but were not limited to: (1) initiation of an independent investigation into the senior emergency planner's activities; (2) disciplinary action taken, which included the immediate suspension of the individual's access, and subsequent termination of the individual; and (3) revision of site procedures to require that a drill participant roster be included with all drill documents, and that the Emergency Preparedness Manager review and sign all drill documentation packages. Based on the above actions, the NRC determined that credit was warranted for *Corrective Action*.

Therefore, to encourage prompt identification and comprehensive correction of violations, and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, not to propose a civil penalty in this case. However, significant violations in the future could result in a civil penalty.

The NRC has concluded that the information regarding: (1) the reason for the violation, (2) corrective actions taken and planned to be taken, (3) actions to prevent recurrence, and (4) date when full compliance was achieved is already adequately addressed on the docket. This documentation is available in NRC Inspection Reports 05000313/2013503 and 05000368/2013503, and your letter dated April 10, 2013. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access Management System (ADAMS), accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html>.

J. Browning

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To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information.

If you request withholding of such information, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). The NRC also includes significant enforcement actions on its web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

Sincerely,

***/RA R.Lewis Acting for/***

Arthur T. Howell III  
Regional Administrator

Dockets: 05000313; 05000368

Licenses.: DPR-51; NPF-6

Enclosure: Notice of Violation

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<a href="mailto:Doug.Huyck@nrc.gov">Doug.Huyck@nrc.gov</a>		

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## NOTICE OF VIOLATION

Entergy Operations Inc.  
Arkansas Nuclear One

Dockets: 50-313 & 50-368  
Licenses: DPR-51 & NPF-6  
EA-12-275

During an NRC investigation conducted from April 4 through December 14, 2012, at Arkansas Nuclear One, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 50.9(a), requires, in part, that information provided to the Commission by a licensee, or information required by the Commission's regulations, orders, or license conditions to be maintained by the licensee, shall be complete and accurate in all material respects.

10 CFR 50.71, requires, in part, that each licensee shall maintain all records, in connection with the activity, as may be required by the regulations.

10 CFR 50.54(q)(2), requires, in part, that a holder of a license under 10 CFR Part 50 shall follow and maintain the effectiveness of an emergency plan that meets the requirements in Appendix E to this part and, for nuclear power reactor licensees, the planning standards of § 50.47(b).

10 CFR 50.47(b)(14) requires, in part, that periodic drills are conducted to develop and maintain key skills.

10 CFR 50.47(b)(8), requires, in part, that adequate emergency facilities and equipment to support the emergency response are provided and maintained.

Contrary to the above, from May 12, 2008, to December 7, 2011, the licensee failed to maintain information required by the Commission's regulations as complete and accurate in all material respects. Specifically, documentation dated December 14, 2010, and December 6 and 7, 2011, for post-accident sampling and environmental monitoring drills, required under the planning standard at 10 CFR 50.47(b)(14), indicated that these drills were performed when in fact the drills had not been performed.

The records dated May 12, June 4, and September 30, 2008, for the telephone communication surveillances to show that equipment in the Technical Support Center was maintained to support emergency response required by 10 CFR 50.47(b)(8), were not complete and accurate in all material respects. Specifically, these records indicated that telephone communication surveillances were performed on the above dates, when in fact the surveillances had not been performed.

This information is material to the NRC because it provides assurance that the licensee has performed periodic drills to develop and maintain key skills and provides assurance that adequate emergency facilities and equipment to support emergency response are maintained.

This is a Severity Level III Violation (Section 6.9).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to be taken to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in NRC Inspection Reports 05000313/2013503 and 05000368/2013503, and in your letter dated April 10, 2013.

However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," include the EA number, and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region IV, 1600 East Lamar Blvd., Arlington, Texas 76011-4511 and a copy to the NRC Resident Inspector at the facility that is the subject of this Notice, within 30 days of the date of the letter transmitting this Notice of Violation.

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Dated this 10<sup>th</sup> day of June 2013